

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN THE MATTER OF THE)
EXTRADITION OF:) JUDGE KNOWLES
) CASE NO. 3:13-mj-2042
AVELINO CRUZ MARTINEZ,)
)**

ORDER

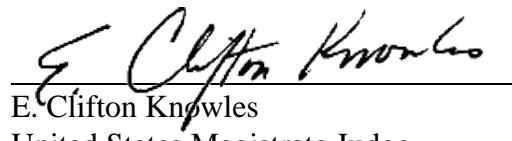
On June 25, 2013, Mr. Cruz filed a “Motion to Dismiss Complaint And, In The Alternative, To Order Discovery.” Docket No. 17. That Motion included a request that the Government “produce exculpatory materials in this context,” and specifically “that this Court order the Government to produce any exculpatory materials in its possession, including any records it has pertaining to the aforementioned witness identified as an alderman.” Docket No. 17, p. 6. Mr. Cruz relied upon *In Re Extradition of Drayer*, 190 F.3d 410, 415 (6th Cir. 1999).

Id.

The Government has not filed a Response in opposition to the Motion for Discovery, and *Drayer* recognized that the Government was “obligated to turn over any exculpatory materials in its possession that would undercut a finding that there was probable cause to believe that petitioner committed the murder” at issue in that case.

Therefore, the Government shall produce any exculpatory materials in its possession that would undercut a finding that there is probable cause to believe that Mr. Cruz committed the crimes with which Mexico has charged him. Such discovery shall be provided to counsel for Mr. Cruz on or before July 19, 2013.

IT IS SO ORDERED.


E. Clifton Knowles
United States Magistrate Judge